

John Paul Goetz
Chuck Linn
Reid file

BEFORE THE KANSAS DEPARTMENT OF HEALTH AND ENVIRONMENT

In The Matter Of The Possession Of
Radioactive Materials And Hazardous
Wastes By The Reid Supply Company Of
Wichita, Kansas

RECEIVED

Case No. 80-5718-1980

BUREAU OF ENVIRONMENTAL
SANITATION

O R D E R

The Secretary of the Department of Health and Environment, Joseph F. Harkins, now considers the captioned matter. The Secretary's files reflect that his staff members made an inspection and appraisal of the premises of the Reid Supply Company (Reid) offices located at 911 East Indianapolis, and the operational facility located at or about 25th and New York Streets, Wichita, Kansas, on March 25, 1980. The Secretary's staff interviewed the person in charge of the premises, Mr. H. C. "Turk" Humann, made observation of the premises, took samples from the content of barrels and other materials, and performed chemical analysis of certain materials.

The Secretary has in hand the results from the field analysis as well as the laboratory analysis of the specimens taken from the site.

The Secretary makes the following findings of fact:

1. There are approximately 3,000 barrels of waste solvents at the Reid site. There are no markings or other labels on the said barrels.
2. Several of the 3,000 barrels contain radioactive materials, including radium 226.
3. At the Reid premises, there is a machine, known as a "solvent still" used for the reclaiming of contaminated solvents; the solvent still has been used in the past, is presently being repaired, and is intended to be used in the future to process waste materials on site in the said barrels.
4. The residue materials from the solvent still, described as "still sludges" have been disposed of throughout the operational premises of the Reid site in Sedgwick County. Such disposal presents a potential health hazard to workers at the Reid site and persons near the area for the reason that such materials may be ingested either through hand-to-mouth or windblown or air-borne contact.

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The Secretary takes notice of the provisions of K.A.R. 28-35-175, which provides as follows:

"No person shall receive, use, possess, transfer, or dispose of radioactive material except as authorized in a specific or general license issued pursuant to these regulations, or as otherwise provided in these regulations. Authority to transfer possession or control by the manufacturer, producer, or processor of any equipment, device, commodity, or other product containing source, or by-product materials whose subsequent possession, use, transfer, and disposal by all other persons are exempted from regulatory requirements may be obtained only from the United States nuclear regulatory commission, Washington, D.C. 20555."

The Secretary concludes that the Reid Supply Company is in violation of K.A.R. 28-35-175 because it does not have a license issued by the Secretary, has not been exempted by the United States Nuclear Regulatory Commission, and has received, used, possessed, transferred or disposed of radioactive materials.

The Secretary concludes that Reid is operating a hazardous waste storage and processing facility, within the meaning and scope of K.S.A. 1979 Supp. 65-3402(1), and the Secretary's files further reflect that Reid does not have a permit for operation of same, in accordance with K.S.A. 1979 Supp. 65-3407(b), which provides as follows:

"After June 30, 1977, in the state of Kansas, it shall be unlawful for any person to construct, alter or operate a hazardous waste processing facility or storage or disposal area of a hazardous waste management system without first obtaining a permit from the secretary."

The Secretary takes notice of K.A.R. 1979 Supp. 28-29-41(a) which provides as follows:

"No person shall store, transport, or accept for processing or disposal a hazardous waste that is not marked and labeled in compliance with this regulation and other applicable state and federal laws."

The Secretary finds that Reid has accepted for transport hazardous wastes which are not marked or labeled and therefore Reid is in violation of K.A.R. 1979 Supp. 28-29-41.

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The Secretary determines, based on the above findings, and conclusions that the storage, transportation, treatment, and disposal of wastes by the Reid Supply Company may present an eminent and substantial hazard to the health of persons or to the environment; the Secretary determines that it will be necessary for him to take action, within the meaning and scope of K.S.A. 1979 Supp. 65-3419(f) to protect the health of such persons and the environment.

IT IS THEREFORE ORDERED BY THE SECRETARY that the Reid Supply Company:

1. Hold and contain all waste materials, including solvents, barrels or other containers and waste sludges, now in its possession and on its operational premises. Such materials are not to be processed, transported or otherwise handled until decontamination methodologies and disposal procedures have been approved in writing by the Director of the Division of Environment of the Kansas Department of Health and Environment.
2. Submit to the Director of the Division of Environment, within 15 days of receipt of this order, a written proposal indicating the procedures to be used, in regard to storage of the materials described in 1., to assure that there will be no unauthorized removal of waste materials from the Reid premises; such procedures shall also address and provide assurances that Reid will protect against loss, leakage or dispersion of materials, specifically including the occurrence of fire or water damage. Reid shall take all reasonable and necessary steps to prevent removal, loss, leakage or dispersion pending the written approval by the Director of the Division of Environment.
3. Shall submit to the Director of the Division of Environment, within fifteen (15) days of receipt of this order, a proposal for the method to be used, and the location

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thereof, of the disposal, if any, of the disassembled solvent still and its components, further, Reid shall indicate the manner and place of disposal of any components previously removed.

4. Submit to the Director of the Division of Environment, within thirty (30) days of receipt of this order, a written proposal describing procedures to be used for identification of all barrels, equipment and materials which contain radioactive materials; said proposal shall include the type of equipment to be used for such determination and the qualification of personnel conducting such procedures.
5. Shall submit to the Director of the Division of Environment, within thirty (30) days of receipt of this order, a proposal containing detailed survey of radioactive materials which are, or may be, on or about the premises of the Reid site, including buildings, building interiors, building roofs, and roadways. The proposal shall provide for cleanup techniques, and may be in accordance with the attached document entitled "Contamination Limits for Facilities Using Radium."
6. Shall submit to the Director of the Division of Environment, within thirty (30) days of receipt of this order, all records and other documentation indicating shipments by Reid of waste solvents or reprocessed solvents, or other materials transported by Reid, since the time when Reid first began receiving solvents.
7. Shall submit, within sixty (60) days of receipt of this order, to the Director of the Division of Environment, documentation indicating the origin of all solvents on the Reid premises; such documentation shall provide specific information regarding those solvents which contain radioactive

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8. Shall take a complete inventory of the contents of all drums containing waste materials, and this inventory shall be completed in a written report detailing same submitted to the Director of the Division of Environment, within ninety (90) days of receipt of this order.
9. Shall submit a written proposal to the Director of Environment, within ninety (90) days of receipt of this order, detailing procedures and methods to be used for the disposal or transfer of all radioactive material now in the possession or Reid; the disposal or transfer of radioactive material shall not take place until such time as the Director has approved the procedure for such disposal or transfer, and in addition, Reid has obtained all necessary and required permits for storage, transportation and disposal of such materials.

IT IS FURTHER ORDERED BY THE SECRETARY that the Reid Supply Company shall cease and desist from receiving, transporting, storing or reprocessing waste materials, except as provided above in this order, until such time as the appropriate permits and licenses have been obtained by Reid, in compliance with:

1. K.S.A. 48-1607 (Licensing, registration, possession and use of sources of radiation and records thereof),
2. K.A.R. 28-35-175 (cited and quoted above),
3. K.S.A. 1979 Supp. 65-3407(b) (Construction, alteration or operation of solid or hazardous waste processing facility or disposal area without permit unlawful; permits; fees; conditions; denial, suspension or revocation of permits),
4. K.A.R. 1979 Supp. 28-29-48 (Transportation of hazardous waste),
5. K.A.R. 1979 Supp. 28-29-44 (Storage of hazardous waste; permit required),

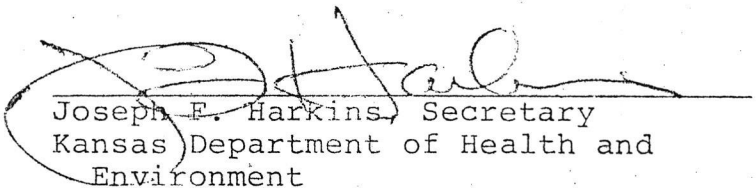
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6. K.A.R. 1979 Supp. 28-29-55 (Hazardous waste processing facilities).

If the Reid Supply Company is aggrieved by this order, it may file a written request, for administrative hearing, with the Secretary of the Department of Health and Environment, within thirty (30) days of receipt of this order.

IT IS BY THE SECRETARY SO ORDERED.


Joseph E. Harkins, Secretary
Kansas Department of Health and
Environment

Approved as to legality and form:

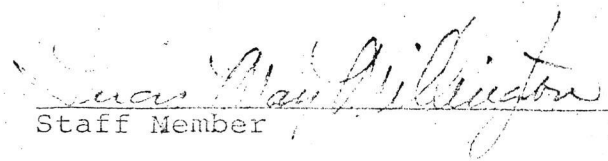

Jack Shelton, Attorney
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(913) 862-9360

CERTIFICATE OF PERSONAL SERVICE

I hereby certify that I delivered a copy of the above and foregoing Order to _____ at the location of _____ on the _____ day of April, 1980.

CERTIFICATE OF MAILING

I hereby certify that on the 17th day of April, 1980, a true and correct copy of the foregoing Order was mailed to Mr. H. C. "Turk" Humann, 911 East Indianapolis, Wichita, Kansas 67211 by depositing the same in a properly addressed envelope postage prepaid, certified mail, return receipt requested in the U.S. mail.


Staff Member

Certified No. 2806899

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ACKNOWLEDGMENT OF RECEIPT

I hereby acknowledge that I have received a copy of the
above and foregoing Order.

Date: _____

Name

Title: _____

of the Reid Supply Company.